

REMARKS

Claims 1, 5, 6, 8, 9, 17, 18, 26, 27 and 31 have been amended without any intention of narrowing or changing the scope of any of the claims. Claims 1-31 are presently pending. Reconsideration and allowance of the present claims based on the following remarks are respectfully requested.

Claims 1-10, 23 and 26-31 were objected to for including “adapted to” recitations. Applicant traverses this objection. Without acceding to the merits of the objection and merely to expedite prosecution, Applicant has amended claims 1, 5, 6, 8, 9, 26, 27 and 31 without any intention of narrowing or changing the scope of any of the claims. Accordingly, Applicant submits that the objection is now moot since the objected to language is no longer present. Therefore, Applicant respectfully requests that the objection of claims 1-10, 23 and 26-31 be withdrawn.

Claims 1-31 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2005/015147 to Fujimaki (“Fujimaki”). Applicant traverses this rejection for at least the following reasons.

Applicant respectfully submits that Fujimaki is not proper prior art which may be relied upon. Fujimaki, which is a continuation of the PCT patent application PCT/JP03/09691 filed July 30, 2003, which was published in Japanese as PCT patent application publication WO 2004/012245 on February 5, 2004, may not be used as prior art under post-AIPA 35 U.S.C. §102(e) against Applicant’s application since its §102(e)(1) date is later than Applicant’s U.S. filing date. In particular, the §102(e)(1) date of Fujimaki is its U.S. filing date, which was January 31, 2005. *See, e.g.*, MPEP §706.02(f)(1) and in particular Example 8 therein explaining the application of §102(e) in a fact circumstance similar to this case. Since January 31, 2005 is later than Applicant’s U.S. filing date of January 29, 2004, Fujimaki may not be used as prior art under 35 U.S.C. §102(e) against Applicant’s application. Further, only international (PCT) applications designating the U.S. and published in English may be used as prior art under 35 U.S.C. §102(e). More, since the publication date of Fujimaki and of the PCT patent application

publication of Fujimaki are after the filing date of Applicant's application, they may not be used as prior art either under 35 U.S.C. §102(a).

Therefore, Applicant respectfully requests that the rejection of claims 1-31 under 35 U.S.C. § 102(e) over Fujimaki should be withdrawn and the claims be allowed.

All matters having been addressed and in view of the foregoing, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicant's representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,


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